Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Friday, 6th May 1977 / 16th Vaisakha 1899 [No. 275

GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 5905-Leg. (BI)/77/Law. *Dated, Trivandrum, 6th May, 1977/ 16th Vaisakha, 1899.*

The following Ordinance promulgated by the Governor on the 5th day of May, 1977, is hereby published for general information.

By order of the Governor,

P. A. Srinivasan,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1977.

33/1447/MC.

ORDINANCE No. 7 OF 1977

THE KERALA LAND DEVELOPMENT CORPORATION LIMITED (SPECIAL POWERS) AMENDMENT ORDINANCE, 1977

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala Land Development Corporation Limited (Special Powers) Act, 1974.

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Kerala Land Development Corporation Limited (Special Powers) Amendment Ordinance, 1977 (3 of 1977), promulgated by the Governor of Kerala on the 19th day of February, 1977, will cease to operate on the 6th day of May, 1977;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly during its session which commenced on the 26th day of March, 1977 and ended on the 5th day of April, 1977;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Land Development Corporation Limited (Special Powers) Amendment Ordinance, 1977.

(2) It shall come into force at once.

2. *Act* 5 *of* 1974 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Land Development Corporation Limited (Special Powers) Act, 1974 (5 of 1974) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 9.

3. *Amendment of section* 2.—In section 2 of the principal Act,—

(i) clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:—

"(a) 'appellate authority' means an officer, not below the rank of Deputy Collector, appointed by the Government to be an appellate authority for the purposes of this Act;";

(ii) for clause (c), the following clause shall be substituted, namely:—

"(c) 'Inquiring Officer' means an officer appointed as such by the Corporation or by the Government or by an officer authorised by the Government in this behalf;".

4. *Amendment of section* 3.—In section 3 of the principal Act,—

(i) in sub-section (1), clause (c) shall be omitted;

(ii) in sub-section (2), for the words "the Corporation shall appoint an officer called the Inquiring Officer", the words "the Corporation or the Government or an officer authorised by the Government in this behalf shall appoint an Inquiring Officer" shall be substituted.

5. *Amendment of section* 5.—In section 5 of the principal Act,—

(a) in sub-section (2),—

(i) in the opening paragraph, for the words "in a newspaper which, in the opinion of the Corporation, has the widest circulation in the locality", the words "in two or more newspapers having wide circulation in the locality as may be determined by the Corporation" shall be substituted;

(ii) in clause (b), the words "or within such further period not exceeding fifteen days as such officer may for sufficient reasons allow" shall be inserted at the end;

(b) sub-section (3) shall be omitted.

6. *Amendment of section* 14.—In section 14 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (e), the following clause shall be substituted, namely:—

"(e) the principles of apportionment of the cost of such works;";

(ii) for clause (h), the following clause shall be substituted, namely:—

"(h) restrictions, if any, on the rights of the owners as regards the use of any such work; and";

(b) in sub-section (3), for the word "statement", the words "relevant extracts from the statement" shall be substituted;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Any person aggrieved by any entry in the statement prepared under sub-section (1) may file his objection to the Corporation within fifteen days of the service of the extracts under sub-section (3), and the Corporation shall, after giving such person an opportunity of being heard, decide the objection.".

7. *Insertion of new sections* 14*A and* 14*B*.—After section 14 of the principal Act, the following sections shall be inserted, namely:—

"14A. *Interim payment of cost.*—(1) Every owner benefited by any work under a scheme shall, on demand by the Corporation at any time after his land has been made fit for enjoying the benefit and before the publication of the notice under sub-section (2) of section 14, be liable to pay the estimated cost of such work, in such manner and in such number of instalments as may be specified by the Corporation.

(2) Any amount paid by an owner under sub-section (1) shall be adjusted towards the cost payable by him under section 10.

14B. *Additional liability to be apportioned among owners.*—(1) If as a result of any modification in appeal or otherwise of the statement prepared under

sub-section (1) of section 14, the cost of the works under a scheme exceeds the cost specified in the statement prepared under that sub-section, the Corporation may apportion the difference among the owners of the lands benefited by the scheme in the same proportion in which the cost has been apportioned among them.

(2) The provisions of this Act shall, so far as may be, apply in relation to the amount payable under sub-section (1) as they apply in relation to the cost specified in the statement prepared under sub-section (1) of section 14.".

8. *Amendment of section* 16.—In section 16 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) Any owner or other person liable under section 10 to pay the cost or part of the cost of any work or to pay any amount by way of contribution, who objects to such liability, or any owner or other person who is aggrieved by any decision of the Corporation under sub-section (4) of section 14 or under sub-section (3) of section 15, may, within such time as may be prescribed, appeal to the appellate authority.

(1A) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant and the Corporation a reasonable opportunity of being heard either in person or by a representative, pass such order on the appeal as it deems fit.";

(b) in sub-section (2), for the words "Subordinate Judge", the words "appellate authority" shall be substituted;

(c) sub-section (3) shall be omitted.

9. *Insertion of new sections 21A and* 21B.—After section 21 of the principal Act, the following sections shall be inserted, namely:—

"21A. *Delegation of powers and functions of Corporation.*—The Corporation may delegate any of its powers and functions under this Act to the Managing Director of the Corporation or to any Committee of Directors of the Corporation consisting of two or more such Directors.

21B. *Execution of agreement for certain purposes.*—Nothing contained in this Act shall be deemed to prevent any person from entering into an agreement with the Corporation regarding payment of the cost in advance, the mode and manner of payment of the cost and interest thereon and such other matters connected therewith, and where such an agreement is executed, the matters specified therein shall be regulated in accordance with the provisions of such agreement.".

10. *Repeal and saving.*—(1) The Kerala Land Development Corporation Limited (Special Powers) Amendment Ordinance, 1977 (3 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance as if this Ordinance had come into force on the 21st day of February, 1977.

N. N. WANCHOO,

GOVERNOR.

Government of Kerala
1977

Reg. No. KL/TV/13

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Friday, 6th May 1977 / 16th Vaisakha 1899 [No. 276

GOVERNMENT OF KERALA

Local Administration and Social Welfare 'G' Department

NOTIFICATION

G. O. (P) No. 118/77/LA & SWD. *Dated, Trivandrum, 6th May 1977.*

S. R. O. No. 401/77.—In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968) the Government of Kerala hereby make the following rules in respect of special recruitment from among members of Scheduled Castes and Scheduled Tribes for the post of Junior Town Planner on Rs. 560-1100 in the Town Planning Department.

1. *Method of appointment.*—By direct recruitment.

2. *Qualifications.*—I (a) Degree in Civil Engineering or Architecture from a recognised University or equivalent qualification

and

(b) Post-graduate degree or post-graduate diploma in Town and Country Planning or Regional Planning.

33/1448/MC.

II (In the absence of candidate possessing the qualification in item 1)

1. (i) A degree in Civil Engineering or Architecture of a recognised University; and

   (ii) Three years experience in Town Planning work

or

2. (i) Diploma in Civil Engineering of a recognised University or Institution: and

   (ii) Seven years experience in Town Planning work

or

3. (i) Associate Membership of the Town Planning Institution of India or its equivalent.

   (ii) One year's experience in Town Planning work

or

4. (i) An Associate or Licentiate of the Association of Architects recognised by Government; and

   (ii) One year's experience in Town Planning work

or

5. (i) Associate Membership of the Institution of Engineers, India; and

   (ii) Three years experience in Town Planning work

or

6. (i) An Associate Membership of the Institution of Civil Engineering or Municipal and Country Engineering, London; and

   (ii) Three years experience in Town Planning work.

III (In the absence of candidates possessing the qualifications in item II above)

(1) A Degree in Civil Engineering or Architecture of a recognised University

or

(2) Associate Membership of the Town Planning Institute of India or its equivalent

or

(3) An Associate or Licentiate of the Association of Architects recognised by Government

or

(4) Associate Membership of the Institution of Engineers, India

or

(5) An Associate Membership of the Institution of Civil Engineering or Municipal and Country Engineering, London.

Note.—Candidates with any of the qualification mentioned in sub items (1) to (5) of item III shall if selected, undergo training for a period of one year from the date on which he joins duty in the Town Planning Department. During the period of Training he shall be paid an amount equal to the minimum of the scale of pay plus the usual allowances attached to the post. The period of training shall not count for probation.

3. *Age.*—The candidate must not have completed 43 years of age on the first day of July of the year in which the applications for appointment to the post are invited.

4. *Probation.*—A person appointed to the post shall be on probation for a total period of two years on duty within a continuous period of three years.

5. *Tests.*—Person appointed to the post shall within the period of probation pass the Account Test for the Executive Officers of the Kerala State, if he has not already passed that test, or Account Test (Lower) or Accounts Test for Subordinate Officers, Part I of Madras.

By order of the Governor,

N. GOPALAKRISHNAN NAIR,
Special Secretary.

Explanatory Note

(This does not form part of the notification but intended to indicate its general purport).

One post of Junior Town Planner in the Department of Town Planning has been reserved for special recruitment from among Scheduled Tribes/Scheduled Castes candidates. The vacancy was twice advertised by the Public Service Commission for selection but no qualified candidate was available. It has therefore, been decided to relax the qualification in respect of Scheduled Tribe/Scheduled Caste candidates as proposed by the Kerala Harijan Samyuktha Samithi. The Notification is intended to achieve the above object.

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Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Friday, 6th May 1977 / 16th Vaisakha 1899 [No. 277

GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 5904/Leg. CI/77/Law. *Dated, Trivandrum, 6th May 1977/ 16th Vaisakha 1899.*

The following Ordinance promulgated by the Governor on the 5th day of May 1977, is hereby published for general information.

By order of the Governor,

P. A. Srinivasan,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1977.

33/1449/MC.

ORDINANCE No. 8 OF 1977

THE CALICUT UNIVERSITY (AMENDMENT) ORDINANCE, 1977

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

AN

ORDINANCE

further to amend the Calicut University Act, 1975.

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Calicut University (Amendment) Ordinance, 1977 (4 of 1977), promulgated by the Governor of Kerala on the 26th day of February, 1977, will cease to operate on the 6th day of May, 1977;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 26th day of March, 1977 and ended on the 5th day of April, 1977;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Calicut University (Amendment) Ordinance, 1977.

(2) It shall be deemed to have come into force on the 9th day of September, 1974.

2. *Act 5 of 1975 to be temporarily amended.*—During the period of operation of this Ordinance, the Calicut University Act, 1975 (5 of 1975) (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. *Amendment of section* 2.—In section 2 of the principal Act, in clause (16), the following shall be inserted at the end, namely:—

> "but shall not include a college which is administered and managed by a society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) and which is a joint and co-operative enterprise of the Central Government and the Government of Kerala;".

4. *Repeal and saving.*—(1) The Calicut University (Amendment) Ordinance, 1977 (4 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

N. N. WANCHOO,
GOVERNOR.

Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Friday, 6th May 1977 / 16th Vaisakha 1899 [No. 274

NOTICE

UNDER SECTION 9(5) OF THE KERALA LAND ACQUISITION ACT, 1961 (ACT 21 OF 1962)

No. A4.1091/74. *30th April 1977*.

Notice is hereby given that the Government intend to take possession of the lands mentioned in the list below, which are required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962). All persons interested in the lands are required to appear in person or by authorised agent on 23-5-1977 at 11 a. m. before the Special Tahsildar for L. A. (NH), Quilon and to state/put in a statement in writing signed by themselves or their agents showing the nature of their respective interests in the lands and the amount and particulars of their claim to compensation for such interests in the lands and their objections, if any to the measurements made under section 8 of the Act.

Note.—If the persons interested refuse to make a claim to compensation or omit without sufficient reasons to make such claim, the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്ററിൽ പറഞ്ഞിട്ടുള്ളതും, 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21-ാം ആക്ററ്) പ്രകാരം ഒരു പൊതുക്കാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെൻറ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ, അധികൃത ഏജൻറ്

മൂലമോ 23-5-1977-ാം തീയതി പകൽ 11 മണിക്ക് കൊല്ലം നാഷണൽ ഹൈവേ പൊന്നും വില സ്പെഷ്യൽ തഹസീൽദാർ മുമ്പാകെ ഹാജരാകുകയും, ഭൂമിയിൽ അവരോരോരുത്തർക്കുമുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങൾ സംബന്ധിച്ചിടത്തോളം നഷ്ടപ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്റ്റ് 3-ാം വകുപ്പു പ്രകാരം എടുത്തിട്ടുള്ള അളവു സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതും ഏതാണെന്നു കാണിച്ചുകൊണ്ട് പ്രസ്താവന ചെയ്യുകയും അവരോ അവരുടെ ഏജന്റുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റ്റേറ്റുമെന്റ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്.—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ചചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുകയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ച ചെയ്യാൻ വീഴ്ച ചെയ്യുകയോ ചെയ്യുന്നപക്ഷം അവരുടെ അപേക്ഷയിൻമേൽ കോടതിക്ക് റഫറൻസ് അയയ്ക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചുകൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്റ്റ് 11-ാം വകുപ്പുപ്രകാരം കളക്റ്റർ വിധിച്ചുകൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

Particulars of lands

Block No. 17 Karunagapally, Km. 463/000 to 463/200

District.—Quilon. *Taluk.*—Karunagapally.

Village.—Krishnapuram

Sy. No.	*Description.*	*Extent* *Are*	*Sqm.*
13624/8	Dry	0	25
13624/9	do.	2	58
13624/10	do.	5	80
13625/5	Wet	10	70
13625/6	do.	2	60
13629/3	do.	7	85
13630/8	do.	0	60
13630/2	do.	0	25
13630/9	Dry	2	00
13630/6	Wet	0	87
13630/7	Dry	1	12
13632/2	do.	5	92
	Total	40	54

Quilon.

(Sd.)
Special Tahsildar for (LA), (NH).

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Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Friday, 6th May 1977 / 16th Vaisakha 1899 [No. 278

GOVERNMENT OF KERALA

Law (Legislation A) Department

NOTIFICATION

No. 7371-Leg (A) 1/77/Law.

Dated, Trivandrum, 6th May, 1977/
16th Vaisakha, 1899.

The following Ordinance promulgated by the Governor on the 6th day of May, 1977, is hereby published for general information.

By order of the Governor,

P. A. Srinivasan,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1977.

33/1459/MC.

ORDINANCE No. 9 OF 1977

THE KERALA DEBT RELIEF ORDINANCE, 1977

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

AN

ORDINANCE

to provide relief from indebtedness to certain persons in the State of Kerala.

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Kerala Debt Relief Ordinance, 1977 (1 of 1977), promulgated by the Governor of Kerala on the 13th day of January, 1977, will cease to operate on the 6th day of May, 1977;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 26th day of March, 1977 and ended on the 5th day of April, 1977;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Debt Relief Ordinance, 1977.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 13th day of January, 1977.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(1) "appellate authority" means an appellate authority appointed under section 6;

(2) "agricultural land" means land used for agriculture or horticulture, not being land appurtenant to a residential building;

(3) "artisan" means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto and includes a person who normally earns his livelihood by practising craft, either by his own labour or by the labour of the members of his family, in a rural area.

Explanation.—For the purposes of this clause, "rural area" means an area which for the time being is not within the limits of a city constituted under the Kerala Municipal Corporations Act, 1961 or a Municipality constituted or deemed to be constituted under the Kerala Municipalities Act, 1960;

(4) "creditor" shall include the heirs, legal representatives and assigns of the creditor;

(5) "debt" means any liability in cash or kind, whether secured or unsecured, due from or incurred by a debtor on or before the date of commencement of this Ordinance, whether payable under a contract, or under a decree or order of any court, or otherwise, and subsisting on that date, but does not include—

(a) any sum payable to—

(i) the Government of Kerala or the Government of India or the Government of any other State or Union Territory in India or any local authority; or

(ii) the Reserve Bank of India or the State Bank of India or any subsidiary bank within the meaning of clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 or the Travancore Credit Bank (in liquidation) constituted under the Travancore Credit Bank Act, IV of 1113; or

(iii) a corporation owned or controlled by the Government of Kerala or the Government of any other State or Union Territory in India or the Government of India, or a Government Company as defined in the Companies Act, 1956; or

(iv) the Tea Board constituted under the Tea Act, 1953, or the Coffee Board constituted under the Coffee Act, 1942, or the Rubber Board constituted under the Rubber Act, 1947, or the Cardamom Board constituted under the Cardamom Act, 1965; or

(v) any co-operative society, including a Land Mortgage Bank, registered or deemed to be registered under the Co-operative Societies Act for the time being in force; or

(b) any sum payable to any corresponding new bank specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act. 1970; or

(c) any liability arising out of a breach of trust or any tortious liability; or

(d) any liability in respect of maintenance, whether under a decree of court or otherwise; or

(e) any liability in respect of wages or remuneration due as salary or otherwise for services rendered; or

(f) any debt which represents the price of goods purchased; or

(g) any liability for which a charge is provided under sub-clause (b) of clause (4) of section 55 of the Transfer of Property Act, 1882; or

(h) any rent payable in respect of any building; or

(i) any rent or michavaram payable in respect of any land; or

(j) any debt or debts due to a widow at the commencement of this Ordinance, provided that the value of the property owned by her at such commencement, including the principal amount of the debt or debts so due, does not exceed ten thousand rupees.

Explanation.—For the purposes of this sub-clause, the house in which the widow lives, her wearing apparel or similar personal belongings shall not be regarded as property; or

(k) any liability incurred or arising under a chitty or kuri which is registered or licensed under the Travancore Chitties Act, 1120, or the Cochin Kuries Act, VII of 1107, or the Kerala Chitties Act, 1975, or conducted under any chit fund scheme, and which has not terminated one year before the commencement of this Ordinance:

Provided that nothing in this sub-clause shall apply to the liability of a foreman incurred or arising under any such chitty or kuri where the foreman is a co-operative society registered or deemed to be registered under the Co-operative Societies Act for the time being in force.

Explanation.—For the purposes of this sub-clause, a chitty or kuri shall be deemed to have terminated—

(i) when the period fixed in the variola or vaimbu or kuripattika or the period as altered by a subsequent special resolution for the duration of the chitty or kuri, has expired; or

(ii) when the legal representative of a deceased foreman or the guardian of a foreman of unsound mind or the subscriber or subscribers selected therefor fails or fail to conduct the chitty or kuri or to make suitable arrangements for the further conduct of the chitty or kuri; or

(iii) on the failure of the foreman to pay the prize amount to the subscriber within one month from the due date thereof; or

(iv) on the failure of the foreman or foremen to conduct the chitty or kuri at any instalment or on any other date before the next instalment as may be agreed upon in writing by a majority of the non-prized subscribers:

Provided that if there are more foremen than one and one or more of such foremen is or are living and is or are not disqualified to conduct the chitty or kuri, the chitty or kuri shall not be deemed to have terminated if there is

provision in the variola or vaimbu or kuripattika enabling the remaining foreman or foremen to conduct the chitty or kuri or if the non-prized subscribers agree by a special resolution to the conduct of the chitty or kuri by the remaining foreman or foremen; or

(l) any debt due to any banking company as defined in the Banking Regulation Act, 1949; or

(m) any amount due on account of any goods to a financier who financed the purchase of such goods and whose principal business is to finance the purchase of goods; or

(n) any sum advanced for the purposes of agriculture by any institution receiving financial assistance from the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963.

Explanation I.—For the purposes of this clause,—

(i) the liability of a surety who is a debtor shall be deemed to be a debt within the meaning of this Ordinance, notwithstanding that the principal debtor is not a debtor for the purposes of this Ordinance;

(ii) where a debt has been split up in any manner whatsoever, whether before or after the commencement of this Ordinance, and fresh documents have been executed in respect of different portions of the debt, each such different portion shall be a debt.

Explanation II.—Where the debt is a liability in kind, the value of the commodity shall be commuted at the market rate prevailing on the date on which the debt was incurred;

(6) "debtor" means any person whose annual income does not exceed two thousand and four hundred rupees, from whom any debt is due and includes—

(a) a landless labourer;

(b) an artisan; and

(c) a kudikidappukaran,

but does not include—

(i) any person assessed to salestax on a turnover which in the aggregate is not less than twenty thousand rupees in any two years within the three years immediately preceding the commencement of this Ordinance, under the Kerala General Sales Tax Act, 1963, or the Central Sales Tax Act, 1956, or the law of any other State relating to sales tax;

(ii) any person assessed to income-tax under the Income-tax Act, 1961, in any two years within the three years immediately preceding the commencement of this Ordinance, and whose total income for the purposes of the said Act exceeded eight thousand rupees per annum;

(iii) any person assessed to agricultural income-tax in any two years within the three years immediately preceding the commencement of this Ordinance, under the Agricultural Income-tax Act, 1950 or under any other law relating to agricultural income-tax on an income exceeding eight thousand rupees per annum.

Explanation.—Notwithstanding anything contained in the Indian Evidence Act, 1872, where a creditor proves that his debtor is a person assessed to the tax mentioned in sub-clause (i) or sub-clause (ii) or sub-clause (iii) for the period referred to in that sub-clause, the burden of proving that such debtor does not fall under the category specified in that sub-clause shall lie on the debtor;

(iv) a firm registered under the Indian Partnership Act, 1932, or a company as defined in the Companies Act, 1956, or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian Law.

Explanation.—For the purposes of this clause, the term "person" shall include a family, provided that sub-clauses (i) to (iii), in their application to a family consisting of not less than five members, shall have effect as if for the turnover, total income or income specified therein, twice such turnover, total income or income, as the case may be, were substituted;

(7) "family" means a Hindu undivided family or a Marumakkathayam tarwad or thavazhi or an Aliyasanthana kudumba or kavaru or a Nambudiri illom;

(8) "interest" means any amount or other thing paid or payable in excess of the principal amount borrowed or pecuniary obligation incurred, or, where anything has been borrowed in kind, in excess of what has been so borrowed, by whatsoever name such amount or thing may be called, and whether the same is paid or payable entirely in cash or entirely in kind or partly in cash and partly in kind and whether the same is expressly mentioned or not in the document or contract, if any;

(9) "kudikidappukaran" shall have the same meaning as in clause (25) of section 2 of the Kerala Land Reforms Act, 1963;

(10) "landless labourer" means a person who does not hold any agricultural land and who follows any one or more of the following agricultural occupations in the capacity of a labourer on hire or exchange, whether paid in cash, or in kind or partly in cash and partly in kind:—

(a) farming including cultivation and tillage of soil, etc.;

(b) dairy farming;

(c) production, cultivation, growing and harvesting of any horticultural commodity;

(d) raising of livestock, bees or poultry; and

(e) any practice performed on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations) and preparation for market and delivery to storage or to market or to carriage for transportation of farm products;

(11) "pay", with its grammatical variations, includes deliver;

(12) "prescribed" means prescribed by rules made under this Ordinance;

(13) "principal amount" means the amount originally advanced together with such sum, if any, as has been subsequently advanced, notwithstanding any stipulation to treat any interest as principal and notwithstanding that the debt has been renewed or included in a fresh document, whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest, and whether in favour of the same creditor or his heirs, legal representatives or assigns or of any other person acting on his behalf or in his interest;

(14) "Tribunal" means a Tribunal constituted under section 5.

3. *Discharge of debt.*—Notwithstanding anything contained in any other law for the time being in force, or in any contract or other instrument having force by virtue of any such law, or in any decree or order of court, with effect on and from the commencement of this Ordinance—

(a) every debt and the interest thereon payable by a debtor to a creditor shall be deemed to be wholly discharged;

(b) no civil court shall entertain any suit or other proceeding against a debtor for the recovery of any debt or part of a debt or any interest thereon;

(c) all suits and other proceedings (including appeals, revision petitions, applications for review, proceedings for attachment and execution proceedings) pending at such commencement against any debtor for the recovery of any debt shall abate:

Provided that nothing in this clause shall apply to—

(i) the sale of any movable property conducted and concluded before the commencement of this Ordinance;

(ii) the sale of any immovable property confirmed before such commencement:

Provided further that where a suit or other proceeding is instituted jointly against a debtor and any other person, nothing in this section shall apply to the maintainability of such suit or other proceeding in so far as it relates to such other person;

(d) every debtor undergoing detention in a civil prison in execution of any decree for money passed against him by a civil court in respect of any debt shall be released;

(e) every movable property pledged by a debtor before the commencement of this Ordinance shall stand released in favour of such debtor and the creditor shall be bound to deliver possession of such property to the debtor;

(f) every mortgage executed by a debtor in favour of a creditor shall stand redeemed and the creditor shall be bound to deliver possession of the mortgaged property to the debtor.

Explanation I.—In this section, the term 'suit' shall not include a claim to a set off made in a suit instituted by a debtor.

Explanation II.—For the purposes of this section, a suit in which a decree in respect of a debt is prayed for shall be deemed to be a suit for the recovery of the debt notwithstanding that other reliefs are prayed for in such suit, and a decree shall be deemed to be a decree in respect of a debt notwithstanding that other reliefs are granted in such decree:

Provided that a suit or decree for possession of land shall not be deemed to be a suit for recovery of, or a decree in respect of, a debt by reason merely of mesne profits being also prayed for or included in such suit or decree.

Explanation III.—Nothing in this section shall debar a decree-holder from enforcing reliefs other than in respect of a debt, where the decree contains independent reliefs.

Explanation IV.—Nothing in this section shall be construed as entitling any debtor to the refund of any part of any debt or interest thereon already repaid by him or recovered from him before the commencement of this Ordinance.

4. *Reconveyance of property.*—(1) Any debtor entitled to the delivery of possession of any property under clause (e) or clause (f) of section 3 or any other person on behalf of such debtor may apply to the Tribunal within three months from the commencement of this Ordinance or within such further period as may be notified by the Government in this behalf, for such delivery of possession.

(2) On receipt of an application under sub-section (1), the Tribunal shall make necessary inquiries in respect of such application and, if it is satisfied that the applicant or the person on whose behalf the application has been made is entitled to the delivery of possession of the property mentioned in the application, it shall, by order, direct the person in possession of such property to deliver possession thereof to the applicant or to the person on whose behalf the application has been made, within a period of thirty days from the date of service of the order:

Provided that no order under this sub-section shall be made unless the person in possession of the property has been given a reasonable opportunity of being heard.

(3) Every order made under sub-section (2) shall be served on the person for whom it is intended,—

(a) by delivering or tendering it to that person; or

(b) if it cannot be delivered or tendered to that person, by delivering or tendering it to any officer of such person or any adult member of the family of such person or by affixing a copy thereof on the outer door or some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; or

(c) failing service by any of these means, by registered post.

(4) Any person aggrieved by an order of the Tribunal under sub-section (2) may, within a period of thirty days from the date of service of the order, prefer an appeal to the appellate authority, and the decision of the appellate authority on such appeal shall be final and shall not be called in question in any court of law:

Provided that before taking a decision on the appeal, the appellate authority shall give the opposite party an opportunity of being heard.

(5) Where an order under sub-section (2) has not been complied with and—

(a) an appeal has not been preferred within the time allowed for such appeal; or

(b) an appeal having been preferred has been dismissed,

the Tribunal shall cause the property to which the order relates to be delivered to the debtor by putting him in possession of that property.

5. *Constitution of Tribunals.*—(1) The Government may, by notification in the Gazette, constitute for such area as may be specified therein a Tribunal for the purpose of performing the functions of a Tribunal under this Ordinance.

(2) A Tribunal shall consist of a sole member who shall be an officer not below the rank of Tahsildar appointed by the Government.

6. *Appointment of appellate authorities.*—(1) The Government may, by notification in the Gazette, appoint for such area as may be specified therein an appellate authority for the purposes of this Ordinance.

(2) An appellate authority shall be an officer not below the rank of Revenue Divisional Officer.

7. *Powers of Tribunal and appellate authority.*—(1) Every Tribunal and every appellate authority shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) any other matter which may be prescribed.

(2) The decisions of the Tribunals and the appellate authorities under this Ordinance shall have the force of a decree of a civil court.

8. *Legal practitioners not to appear before Tribunals and appellate authorities.*—Notwithstanding anything contained in any law for the time being in force, no legal practitioner shall be allowed to appear in any proceedings before a Tribunal or an appellate authority under this Ordinance.

9. *Burden of proof.*—Notwithstanding anything contained in any law for the time being in force, in any suit or other proceeding, the burden of proving that a debtor is not entitled to protection under the provisions of this Ordinance shall be on the creditor.

10. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to decide or deal with any question or to determine any matter which is, by or under this Ordinance, required to be decided or dealt with, or to be determined by, the Tribunal or the appellate authority.

11. *Ordinance to over-ride other laws, contracts, etc.*—The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), or in any other law for the time being in force, or in any custom, usage or contract, or in any decree or order of a court or other authority.

12. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Ordinance.

(2) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. *Repeal and saving.*—(1) The Kerala Debtors (Temporary Relief) Act, 1975 (30 of 1975) and the Kerala Debt Relief Ordinance, 1977 (1 of 1977) are hereby repealed.

(2) Notwithstanding the repeal of the Kerala Debt Relief Ordinance, 1977 (1 of 1977), anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance.

N. N. WANCHOO,
GOVERNOR.

Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law (Legislation A) Department

NOTIFICATION

No. 7372-Leg (A) 1/77/Law. *Dated, Trivandrum, 6th May, 1977/ 16th Vaisakha, 1899.*

The following Ordinance promulgated by the Governor on the 6th day of May, 1977, is hereby published for general inform ation.

By order of the Governor,

P. A. SRINIVASAN,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1977.

33/1460/MC

ORDINANCE No. 10 OF 1977

THE SREE PANDARAVAKA LANDS (VESTING AND ENFRANCHISEMENT) AMENDMENT ORDINANCE, 1977

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

AN

ORDINANCE

further to amend the Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971.

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Sree Pandaravaka Lands (Vesting and Enfranchisement) Amendment Ordinance, 1977 (2 of 1977), promulgated by the Governor of Kerala on the 20th day of January, 1977, will cease to operate on the 6th day of May, 1977;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 26th day of March, 1977 and ended on the 5th day of April, 1977;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Sree Pandaravaka Lands (Vesting and Enfranchisement) Amendment Ordinance, 1977.

(2) It shall be deemed to have come into force on the 1st day of August, 1975.

2. *Act 20 of 1971 to be temporarily amended.*—During the period of operation of this Ordinance, the Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971 (20 of 1971) (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 13.*—In section 13 of the principal Act, in the proviso to sub-section (1), for the words "four years", the words "six years" shall be substituted.

4. *Repeal and saving.*—(1) The Sree Pandaravaka Lands (Vesting and Enfranchisement) Amendment Ordinance, 1977 (2 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

N. N. WANCHOO,
GOVERNOR.